

SENATE BILL No. 1042

December 18, 2009, Introduced by Senator RICHARDVILLE and referred to the Committee on Judiciary.

A bill to amend 1846 RS 171, entitled
"Of county jails and the regulation thereof,"
by amending section 4b (MCL 801.4b), as added by 2003 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4b. (1) ~~Beginning August 1, 2003, each~~ **EACH** person who is
2 incarcerated in the county jail shall pay a fee of \$12.00 to the
3 county sheriff when the person is admitted into the jail.

4 (2) The county sheriff may collect a fee owed under this
5 section by withdrawing that amount from any inmate account
6 maintained by the sheriff for that inmate.

7 (3) ~~Except as provided in subsections (4) and (5), the~~ **THE**
8 sheriff, once each calendar quarter, shall **ALLOCATE THE FUNDS**
9 **COLLECTED UNDER SUBSECTION (1) AS FOLLOWS:**

(A) **THE SHERIFF SHALL** forward all fees ~~\$10.00 OF EACH FEE~~ collected under this section to the local corrections officers training fund created in **SECTION 15 OF** the local corrections officers training act, 2003 PA 215, MCL 791.545.

~~———— (4) The revenue derived from fees collected under this section shall be directed in the manner provided in subsection (5) in a county for which the sheriffs coordinating and training council has certified that the county's standards and requirements for the training of local corrections officers equals or exceeds the standards and requirements approved by the sheriffs coordinating and training council under the local corrections officers training act.~~

~~———— (5) In a county that meets the criteria in subsection (4), both of the following apply:~~

~~———— (a) Once each calendar quarter, the sheriff shall forward \$2.00 of each fee collected to the state treasurer for deposit in the local corrections officers training fund created in the local corrections officers training act.~~

(B) **THE SHERIFF SHALL FORWARD \$1.00 OF EACH FEE COLLECTED TO THE COMMISSION ON LAW ENFORCEMENT STANDARDS TO DEFRAY THE COST INCURRED BY THE COMMISSION IN TRAINING, CERTIFYING, DECERTIFYING, AND RECERTIFYING LOCAL CORRECTIONS OFFICERS.**

(C) ~~(b)~~ The remaining ~~\$10.00~~ **\$1.00** of each fee shall be retained in that county **AND PROVIDED FOR IN THE SHERIFF'S BUDGET,** ~~to~~ **AND SHALL** be used only for costs relating to the continuing education, ~~certification, recertification,~~ and training of local corrections officers **THAT EXCEEDS THE STANDARDS AND REQUIREMENTS**

1 APPROVED BY THE COMMISSION ON LAW ENFORCEMENT STANDARDS UNDER THE
2 LOCAL CORRECTIONS OFFICERS TRAINING ACT, 2003 PA 125, MCL 791.531
3 TO 791.546, TRAINING EQUIPMENT FOR USE EXCLUSIVELY BY LOCAL
4 CORRECTIONS OFFICERS, and inmate programs including substance abuse
5 and mental health programs in that county. However, revenue from
6 the fees shall not be used to supplant ~~current~~ spending by the
7 county **AT THE LEVEL ESTABLISHED AS OF SEPTEMBER 30, 2003**, for
8 continuing education ~~, certification, recertification,~~ and training
9 of local corrections officers.

10 (4) ~~(6)~~—An inmate who fails to pay a fee owed under this
11 section before being discharged from the jail is responsible for a
12 state civil infraction and may be ordered to pay a civil fine of
13 \$100.00. An appearance ticket may be issued to a person who fails
14 to pay a fee owed under this section. The appearance ticket may be
15 issued by the sheriff or a deputy sheriff. The county prosecutor
16 for the county in which the jail is located is responsible for
17 enforcing the state civil infraction. A civil fine collected under
18 this section shall be paid as provided under section 8831 of the
19 revised judicature act of 1961, 1961 PA 236, MCL 600.8831.

20 (5) ~~(7)~~—A person who is incarcerated in a jail pending trial
21 or arraignment is entitled to a full refund of the fee paid under
22 this section if the prosecution against him or her is terminated
23 for any reason or if he or she is found not guilty of the charges.
24 Each person required to pay a fee under this section shall be given
25 a written form explaining the circumstances under which he or she
26 may request a refund under this subsection. The form shall be as
27 prescribed in section 15 of the local corrections officers training

1 act, 2003 PA 125, MCL 791.545.

2 (6) EACH YEAR, THE DEPARTMENT OF TREASURY SHALL CONDUCT AUDITS
3 OF 3 COUNTIES THAT RECEIVE MONEY FROM THE FUND. ONE SHALL BE A
4 COUNTY HAVING A POPULATION OF LESS THAN 100,000, 1 SHALL BE A
5 COUNTY HAVING A POPULATION OF AT LEAST 100,000 BUT LESS THAN
6 200,000, AND 1 SHALL BE A COUNTY HAVING A POPULATION OF 200,000 OR
7 MORE. THE COST OF THE AUDITS SHALL BE PAID FROM MONEY IN THE FUND.
8 THE AUDITS SHALL BE LIMITED ONLY TO DETERMINING WHETHER THE
9 COUNTIES THAT ARE AUDITED HAVE COMPLIED WITH THE REQUIREMENTS OF
10 SECTION 15(3) OF THE LOCAL CORRECTIONS OFFICERS TRAINING ACT, 2003
11 PA 125, MCL 791.545, PERTAINING TO THE USE OF MONEY GRANTED FROM
12 THE LOCAL CORRECTIONS OFFICERS TRAINING FUND AND THE REQUIREMENTS
13 OF SUBSECTION (3)(C) REGARDING THAT PORTION OF THE COUNTY JAIL
14 ADMISSION FEE RETAINED IN THE COUNTY. THE AUDIT SHALL INCLUDE THE
15 ACTIVITIES OF THE COUNTY BOARD OF COMMISSIONERS, COUNTY SHERIFF,
16 COUNTY EXECUTIVE, COUNTY ADMINISTRATOR, COUNTY CHIEF FINANCIAL
17 OFFICER, COUNTY TREASURER, COUNTY BOARD OF AUDITORS, AND ANY OTHER
18 FISCAL OFFICER OR EMPLOYEE OF THE COUNTY. THE DEPARTMENT OF
19 TREASURY SHALL PROVIDE COPIES OF THE AUDIT RESULTS AND RELATED
20 MANAGEMENT LETTERS TO THE COMMISSION, THE DEPUTY SHERIFFS
21 ASSOCIATION OF MICHIGAN, AND THE MICHIGAN SHERIFFS ASSOCIATION. THE
22 AUDIT RESULTS ALSO SHALL BE PUBLISHED IN THE ANNUAL REPORT OF THE
23 COMMISSION. IF THE DEPARTMENT OF TREASURY DETERMINES IN ITS AUDIT
24 THAT A COUNTY HAS NOT COMPLIED WITH SECTION 15(3) OF THE LOCAL
25 CORRECTIONS OFFICERS TRAINING ACT, 2003 PA 125, MCL 791.545, OR
26 WITH SUBSECTION (3)(C), THE DEPARTMENT OF TREASURY SHALL NOTIFY THE
27 ATTORNEY GENERAL OF THAT FACT. THE COUNTY SHALL COMPLY WITH ALL

1 ADVISORY LETTERS FROM THE STATE TREASURER PERTAINING TO THE
2 BUDGETING, ACCOUNTING, AND REPORTING OF THE PORTION OF FEES
3 RETAINED BY THE COUNTY UNDER SUBSECTION (3)(C). IF A COUNTY FAILS
4 TO COMPLY WITH THOSE ADVISORY LETTERS, THE COUNTY SHALL FORFEIT
5 THOSE FUNDS TO THE STATE UNTIL THE STATE TREASURER DETERMINES THAT
6 THE COUNTY HAS COMPLIED WITH THOSE ADVISORY LETTERS.

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 95th Legislature are
9 enacted into law:

10 (a) Senate Bill No. 1043.

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12 (b) Senate Bill No. 1044.

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